

Translation

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>WA 3079-02WO</b>	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. <b>PCT/EP2004/000918</b>	International filing date ( <i>day/month/year</i> ) <b>02.02.2004</b>	Priority date ( <i>day/month/year</i> ) <b>01.02.2003</b>
International Patent Classification (IPC) or national classification and IPC <b>F03D 11/00, 11/04, 1/00, H01F 27/06, 27/02, E04H 12/00</b>		
Applicant <b>WOBBEN, Aloys</b>		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>7</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p>	<p>a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows:</p>	<p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p>																								
<p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																										
<p>4. This report contains indications relating to the following items:</p> <table style="margin-left: 20px; border-collapse: collapse;"> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>			<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application
<input checked="" type="checkbox"/>	Box No. I	Basis of the report																								
<input type="checkbox"/>	Box No. II	Priority																								
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability																								
<input type="checkbox"/>	Box No. IV	Lack of unity of invention																								
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																								
<input type="checkbox"/>	Box No. VI	Certain documents cited																								
<input type="checkbox"/>	Box No. VII	Certain defects in the international application																								
<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application																								

Date of submission of the demand <b>01-12-2004</b>	Date of completion of this report <b>25-04-2005</b>
Name and mailing address of the IPEA/ Facsimile No.	Authorized officer Telephone No.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/000918

## Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- This report is based on translations from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
- international search (Rule 12.3 and 23.1(b))
  - publication of the international application (Rule 12.4)
  - international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
- the international application as originally filed/furnished
- the description:  
pages 1-16 as originally filed/furnished  
pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- the claims:  
nos. 1-9 as originally filed/furnished  
nos.\* \_\_\_\_\_ as amended (together with any statement) under Article 19  
nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- the drawings:  
sheets 1/12-12/12 as originally filed/furnished  
sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3.  The amendments have resulted in the cancellation of:
- the description, pages \_\_\_\_\_
  - the claims, nos. \_\_\_\_\_
  - the drawings, sheets/figs \_\_\_\_\_
  - the sequence listing (*specify*): \_\_\_\_\_
  - any table(s) related to sequence listing (*specify*): \_\_\_\_\_
4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- the description, pages \_\_\_\_\_
  - the claims, nos. \_\_\_\_\_
  - the drawings, sheets/figs \_\_\_\_\_
  - the sequence listing (*specify*): \_\_\_\_\_
  - any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/000918

<b>Box No. V</b>	<b>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</b>																									
<p>1. Statement</p> <table> <tr> <td>Novelty (N)</td> <td>Claims</td> <td>4-6, 8</td> <td>YES</td> </tr> <tr> <td></td> <td>Claims</td> <td>1-3, 7, 9</td> <td>NO</td> </tr> <tr> <td>Inventive step (IS)</td> <td>Claims</td> <td>8</td> <td>YES</td> </tr> <tr> <td></td> <td>Claims</td> <td>1-7, 9</td> <td>NO</td> </tr> <tr> <td>Industrial applicability (IA)</td> <td>Claims</td> <td>1-9</td> <td>YES</td> </tr> <tr> <td></td> <td>Claims</td> <td></td> <td>NO</td> </tr> </table>			Novelty (N)	Claims	4-6, 8	YES		Claims	1-3, 7, 9	NO	Inventive step (IS)	Claims	8	YES		Claims	1-7, 9	NO	Industrial applicability (IA)	Claims	1-9	YES		Claims		NO
Novelty (N)	Claims	4-6, 8	YES																							
	Claims	1-3, 7, 9	NO																							
Inventive step (IS)	Claims	8	YES																							
	Claims	1-7, 9	NO																							
Industrial applicability (IA)	Claims	1-9	YES																							
	Claims		NO																							
<p>2. Citations and explanations (Rule 70.7)</p> <ol style="list-style-type: none"> <li>Reference is made to the following documents:           <p>D1: DE 201 02 051 U (SULZ ADOLF) 3 May 2001            D2: DE 94 17 738 U (BETONWERK RETHWISCH GMBH)            22 December 1994</p> </li> <li>The present application does not satisfy the requirements of PCT Article 33(1), because the subject matter of claim 1 is not novel (PCT Article 33(2)).</li> </ol> <p>D1 discloses (the references in parentheses relate to said document) a wind energy plant (see figure 1) having a tower (25), which has its base on foundations (26), and having a power module (see page 5, lines 9-12), the power module having at least one transformer (see page 5, line 11), the power module having a support (implicit feature) set up on the foundations of the wind energy plant, and the support accommodating the electrical devices of the power module. The width and length of the power module are less (see figure 1) than the diameter of the tower of the wind energy plant in the region comprising the</p>																										

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/000918

Box No. V

**Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

foundations, the power module is accommodated by a container (17) having a wall (see figure 1), and the wall of the container is disposed between the tower wall and the power module (see figure 1).

The power module described in claim 1 and the expressions used to define the power module (see lines 3-4 and 6-9) are not sufficient to delimit the present wind energy plant over the prior art. A transformer is known from D1, and the further "units by means of which the electrical energy provided by the wind energy plant generator, etc." (see lines 6-9) can be any components whatsoever, e.g. cables. This is therefore implicitly disclosed in D1.

The interpretation of the utility area (17) as an area enclosed with walls is supported in citation D1 by figure 1 und page 5, lines 7-12. The utility area is therefore construed as a "container".

The terms mast and tower are interchangeable in the present application and D1. The mast known from D1 is wide enough to accommodate a utility area and various devices, and can therefore be construed as a tower.

The features in claim 1 are not sufficient to delimit the present layer system over the prior art. The subject matter of claim 1 is therefore not novel (PCT Article 33(2)).

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/000918

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>3. Dependent claims 2-7 and 9 do not contain any features which, in combination with the features of any claim to which they refer back, satisfy the PCT novelty and inventive step requirements (see D1 and D2 and the relevant passages indicated in the search report).</p> <p>4. D1 is considered to be the prior art closest to the subject matter of claim 8. Said document discloses a wind energy plant having a tower, which has its base on foundations, and having an electrical power module, the power module being accommodated inside a container.</p> <p>The subject matter of claim 8 therefore differs from the known wind energy plant in that, prior to erection of the tower, the power module is set on the foundations or, when the tower is manufactured, the power module is already factory-installed in the tower. Furthermore, D1 does not explicitly disclose how the wind energy plant is put up.</p> <p>The subject matter of claim 8 is therefore novel (PCT Article 33(2)).</p> <p>The problem addressed by the present invention can therefore be considered that of enabling the wind energy plant to be erected more conveniently and more quickly.</p> <p>The solution to this problem as proposed in</p>

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

International application No.

PCT/EP2004/000918

**Box No. V****Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

claim 8 of the present application involves an inventive step (PCT Article 33(3)) for the following reasons:

The modular design of the components and the possibility of factory-installing these in the tower enables the total time required for erection of the wind energy plant to be reduced. There is, moreover, nothing in D1 or D2 to suggest taking such measures.

**Box No. VIII      Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. The following objections are raised concerning a lack of clarity in claims 1-8:
  - 1.1 The phrases "and/or", "e.g.", "substantially", "more particularly" and "optionally" in claims 1-4 and 8 are vague and unclear and leave the reader uncertain as to the meaning of the technical features in question. As a result, the subject matter of said claims is not clearly defined (PCT Article 6).
  - 1.2 The features in device claims 5 and 6 relate to a method for using the device and not to the definition of the device in terms of its technical features. Contrary to the requirements of PCT Article 6, the intended restrictions are therefore not clear from the claim.
  - 1.3 Claim 7 does not meet the requirements of PCT Article 6 because the subject matter for which protection is sought is not clearly defined. The claim attempts to define the subject matter in terms of the result to be achieved, but in so doing merely states the problem to be solved. To overcome this defect, the technical features necessary for achieving this result would have to be included in the claim.